



Office of the State Marshal
Pipeline Safety Division

California Hazardous Liquid Pipeline Safety Law (History and what's important to know)

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2007 Spring Pipeline Safety Workshop

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Bakersfield, California

California Pipeline Law

Government Code – Chapter 5.5

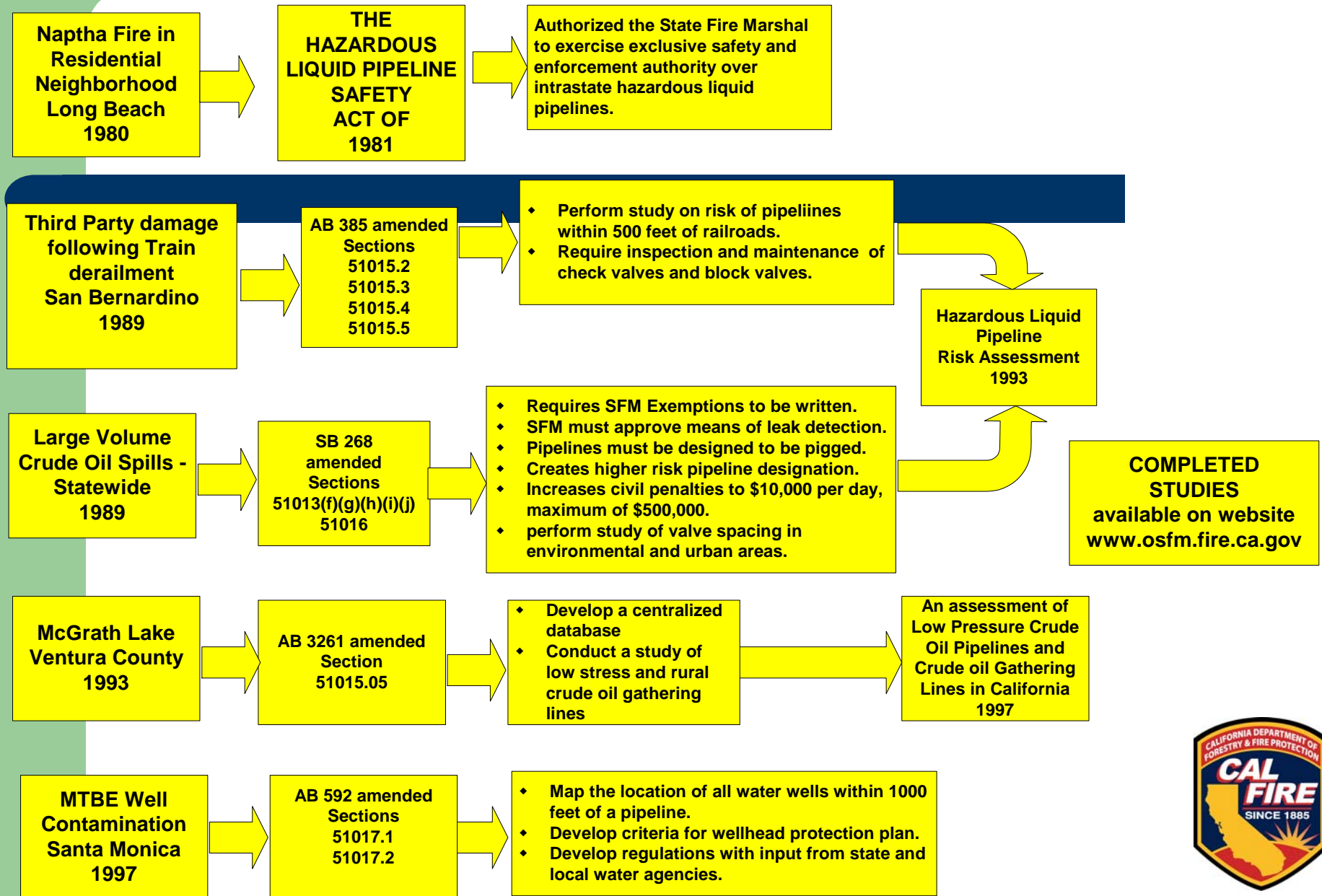


- History of the Hazardous Liquid Pipeline Safety Act of 1981
- Regulations or Studies
- Unique laws in CA
 - Pressure testing
 - Low Stress Pipelines
 - Easement restrictions
 - Fire dept. notifications



CALIFORNIA HAZARDOUS LIQUID PIPELINE LAW

CHAPTER 5.5 of the CA Government Code



Regulations – Where to find them

- **California Code of Regulations -Title 19.
Public Safety -Chapter 14 - Hazardous Liquid
Pipeline Safety**
- Office of Administrative law Website -
<http://www.oal.ca.gov/>
- California Legislative website -
<http://www.leginfo.ca.gov/>





California Pressure Testing Requirements

- Hydrostatic testing program since 1984
- Must test every 5 years
- Higher-risk pipelines – test every 2 years
- Independent Testing Firms – witness every test.
- Allows for use of internal inspection devices (smart pigs) in lieu of pressure test.
- All results are reviewed by SFM staff
- Federal IMP regulations now require periodic testing and in most cases is more restrictive than CA law.



Unique to California Higher Risk Pipeline Criteria

- (1) Have suffered two or more reportable leaks due to corrosion or defect.
- (2) Have suffered three or more reportable leaks due to corrosion, defects, or external forces, but not all due to external forces.
- (3) Have suffered a reportable leak due to corrosion or defect of more than 50,000 gallons, or 10,000 gallons in a standard metropolitan statistical area,
or have suffered a leak due to corrosion or defect which the State Fire Marshal finds has resulted in more than 42 gallons of a hazardous liquid within the State Fire Marshal's jurisdiction entering a waterway,
or have suffered a reportable leak of a hazardous liquid with a flashpoint of less than 140 degrees Fahrenheit.



California Higher Risk Criteria- continued

- (4) Are less than 50 miles long, and have experienced a reportable leak due to corrosion or a defect.
- (5) Have experienced a reportable leak on a section of pipe more than 50 years old.

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- Currently only 12 of the 726 pipelines in California are classified as higher risk.
 - All are on the list due to a single corrosion leak on a pipeline less than 50 miles long.
 - Must be tested every 2 years until they go 5 years without a leak.



Higher Risk Pipelines – Section 51013

- Initially, pipelines on that list shall be tested by the next scheduled test date, or within two years of being placed on the list, whichever is first. On July 1, 1990, pipeline operators shall provide the State Fire Marshal with a list of all their pipelines which satisfy the criteria in this subdivision as of July 1, 1990.
- If any pipeline becomes eligible for the list of higher risk pipelines after that date, the pipeline company shall report that fact to the State Fire Marshal within 30 days, and the pipeline shall be placed on the list retroactively to the date on which it became eligible for listing..

To effectively implement this section, our office provides written notification to the operator, when we determine that a pipeline becomes eligible for the higher risk list.



Pressure Testing and Smartpig Guidance

- All pipelines must be pressure tested or smartpigged at intervals not exceeding 5 years.
- Exceptions to pressure testing not subject to DOT part 195:
 - Time of test can be 4 hours.
 - Testing with product with flashpoint over 140°F can be approved by SFM.
 - Higher risk pipeline testing can be a 4 hour test if not required by DOT IMP testing program.
- All requests to use alternative technology, such as smartpigging must be approved in writing by the SFM. We will provide a test ID# to track testing dates.
- Requests to smartpig pipelines can be received prior to or after pig runs. We would prefer prior notification to properly track interval periods.
- SFM is currently updating its database to track smartpig run dates to verify compliance with testing intervals.

Pipeline Inspection Act of 2006 (PIPES)

Section 4-Low Stress Pipelines

- Directs PHMSA to enact rulemaking to regulate certain low-stress pipelines.
- A low-stress hazardous liquid pipeline is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

Low Stress Pipelines - SNPRM

Docket No. PHMSA–2003–15864; Notice 4]
RIN 2137–AD98

Pipeline Safety: Protecting Unusually Sensitive Areas From Rural Low-Stress Hazardous Liquid Pipelines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

Full text:

Website:

<http://ops.dot.gov/>

SUMMARY: In this supplemental notice of proposed rulemaking (SNPRM) PHMSA is modifying its pending proposal for regulating rural low-stress hazardous liquid pipelines within a prescribed buffer of an “unusually sensitive area” (USA). This modification addresses new requirements in the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act). We propose to apply all Federal hazardous liquid pipeline safety regulations to these pipelines instead of the narrower, threat-focused set of requirements we originally proposed to apply to these pipelines



Exceptions – Low Stress Pipelines

- California Government Code Section 51010.5 (a)(3) specifically exempts a crude oil pipeline operating by gravity or at 20% or less of the specified minimum yield strength.
- These urban low stress crude oil pipelines are not subject to any of the CA testing requirements (including 2 or 5 year testing intervals). However, they must comply with your Integrity Management Plan testing as required in Part 195.
- SFM has regulated low stress refined product (non-crude) pipelines since 1990.
- We don't know how much additional pipeline mileage will become jurisdictional. Existing operators will need to report these lines to us once regulations are in place. We believe most of the mileage will come out of the Kern County region.



CA Pipeline Easement Restrictions

51014.6. (a) Effective January 1, 1987, no person, other than the pipeline operator, shall do any of the following with respect to any pipeline easement:

(1) Build, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof.

(2) Build, erect, or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof.

(b) No shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement. This subdivision does not prevent the revegetation of any landscape disturbed within a pipeline easement as a result of constructing the pipeline and does not prevent the holder of the underlying fee interest or the holder's tenant from planting and harvesting seasonal agricultural crops on a pipeline easement.

(c) This section does not prohibit a pipeline operator from performing any necessary activities within a pipeline easement, including, but not limited to, the construction, replacement, relocation, repair, or operation of the pipeline.

Pipeline Easement Guidance

“It is the position of the State Fire Marshal that nothing shall encroach into or upon the pipeline easement, which would impede the pipeline operator from complete and unobstructed surface access along the pipeline right of way. Nor shall there be any obstructions, which would shield the pipeline right of way from observation. In the interest of public safety and the protection of the environment, it is imperative that the pipeline operator visually assesses the conditions along the easement to ensure the integrity of the pipeline. “

“It is the responsibility of the pipeline operator to ensure they have unimpeded surface access and to be able to physically observe all portions of their pipeline rights of way. In cases where this is not possible, the pipeline operator shall inform the State Fire Marshal. The State Fire Marshal shall in conjunction with the pipeline operator resolve the issue. “

See Information Bulletin #03-001 for further guidance.
<http://osfm.fire.ca.gov>

Typical easement problems

- Trees – Trees – Trees
 - Cannot replace trees once removed
 - City medians, parkways,
 - Almond, walnut , Xmas orchards
- Developers will build as close as they are allowed.
 - Can build next to one side of easement, but must leave 20-40 feet clear on other side.
 - Case by case review. Must meet intent of law
- Some surface improvements are allowed.
 - Street lights, curbs, paving, bushes.



Notifications to Fire Departments

Section 51015.

(a) Every pipeline operator shall provide to the fire department having fire suppression responsibilities a **map** or suitable diagram showing the location of the pipeline, a **description of all products transported** within the pipeline, and a **contingency plan for pipeline emergencies** which shall include, but not be limited to any reasonable information which the State Fire Marshal may require.

(c) Every pipeline operator shall **offer to meet** with the local fire department having fire suppression responsibilities at least once each calendar year to discuss and review contingency plans for pipeline emergencies.



Notifications to Fire Departments

51014.3. (a) Each pipeline operator shall notify the State Fire Marshal and the local fire department having fire suppression responsibilities at least three working days **prior to conducting a hydrostatic test** which is required by this chapter.

51018. (a) **Every rupture, explosion, or fire** involving a pipeline, including a pipeline system otherwise exempted by subdivision (a) of Section 51010.5, and including a pipeline undergoing testing, **shall be immediately reported** by the pipeline operator to the fire department having fire suppression responsibilities and to the Office of Emergency Services.